

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 30001-30100

Adulteration, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a) (2) (A), the article contained an added deleterious substance, which was unsafe within the meaning of Section 406; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 406, a deleterious substance was unsafe since such substance was not required in the production of food and could have been avoided by good manufacturing practice; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; or because the quantity of the pesticide chemical in or on the raw agricultural commodity was not within the limits of a tolerance prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(b), the article was offered for sale under the name of another food; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; Section 403(g) (1), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and it failed to conform to such definition and standard; Section 403(h) (2), the article purported to be or was represented as a food for which a standard of fill of container had been prescribed by regulations and it fell below the applicable standard of fill of container; and Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

BEVERAGES AND BEVERAGE MATERIALS

30001. Coffee beans. (F.D.C. No. 50978. S. No. 6-251 A.)

QUANTITY: 500 132-lb. bags, at Norfolk, Va., in possession of Lambert's Point Docks, Inc.

SHIPPED: 12-12-63, from Santos, Brazil.

LIBELED: 1-13-65, E. Dist. Va.

CHARGE: 402(a)(3)—was rodent gnawed and contained rodent urine, rodent excreta pellets, and rodent hairs; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-27-65. Consent—claimed by J. Aron & Co., Inc., of New York, N.Y. Segregated and reconditioned; 1,054 lbs. destroyed.

30002. Coffee beans. (F.D.C. No. 50730. S. Nos. 109-567 A, 109-569 A.)

QUANTITY: 305 130-lb. bags, at Sunbury, Ohio, in possession of the Nestle Co., Inc.

SHIPPED: 2-20-64, from Hoboken, N.J.

LIBELED: 10-30-64, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-25-64. Consent—claimed by the Nestle Co., Inc. Segregated and cleaned.

30003. Tea bags. (F.D.C. No. 48933. S. No. 65-764 V.)

QUANTITY: 174 ctns., each containing 10 boxes of 100 tea bags each, at Brooklyn, N.Y.

SHIPPED: Between 3-20-63 and 4-5-63, from Bristol, Pa., by National Tea Packing Co., Inc.

LABEL IN PART: (Box) "Ehlers Colonial Blend * * * 6½ ozs. Net Wt. Distributed by Albert Ehlers, Inc., Brooklyn, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 5-15-63, E. Dist. N.Y.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6-28-63. Consent—claimed by Albert Ehlers, Inc., Brooklyn, N.Y., and relabeled.

30004. Brandy. (F.D.C. No. 48982. S. No. 83-153 V.)

QUANTITY: 60 cases, each containing 12 fifths of brandy, at New York, N.Y.

SHIPPED: 3-10-63, from Vigo, Spain, by Bodegas Vinicola Gallego.

LABEL IN PART: (Case) "Bodegas Vinicola Gallego Mosteiro Aguardient—Grape Brandy * * * Bodegas Vinicola Gallego—Vigo (Espana)"; (btl.) "Product of Spain Aguardient de Uva Grape Brandy * * * Mosteiro Marca Registrada * * * Bodegas Vinicola Gallego—Vigo (Espana)"; and (strip label on btl.) "Imported by Briones & Co., Inc., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article contained methyl alcohol, and that the quantity of such substance in the article ordinarily rendered it injurious to health.

LIBELED: On or about 5-27-63, S. Dist. N.Y.

CHARGE: 402(a)(1)—contained a poisonous or deleterious substance when shipped.

DISPOSITION: 7-16-63. Default—25 bottles delivered to the Food and Drug Administration; remainder destroyed.